

### **REMARKS**

This Preliminary Amendment is being filed concurrent with a Request for Continued Examination (RCE) of the present application, and in response to the final Official Action of June 22, 2006, and the Advisory Action of August 28, 2006. Initially, Applicant would like to thank the Examiner for taking the time to conduct a brief telephone interview with Applicant's undersigned attorney regarding the Advisory Action. The final Official Action and Advisory Action continue to reject Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over the publication Susann Wilkinson, *Evaluation Report for Grant #R13 HG00793-0142: Impact of Human Genome Initiative on Society: A Women's Study Approach* (hereinafter "Wilkinson"). As explained below, however, Applicant respectfully maintains that the claimed invention is patentably distinct from Wilkinson. Nonetheless, to most expeditiously advance prosecution of the present application, Applicant has amended independent Claims 1, 7 and 15 to further clarify the claimed invention. In view of the amendments to the claims and the remarks presented herein, Applicant respectfully requests reconsideration and allowance of all of the claims of the present application.

#### ***A. Claims 1-14 are Patentable over Wilkinson***

As explained in response to the final Official Action, in contrast to independent Claim 1, and similarly independent Claim 7, Wilkinson does not teach or suggest assessing a process of an organization according to a method that includes (a) developing preliminary findings based upon information concerning the organization and the process, where each finding is characterized as either a strength or weakness; (b) electronically voting for agreement or disagreement with each finding (or with the characterization of each finding); and then (c) developing final findings based upon the vote, where the final findings, like the preliminary findings, are each characterized as a strength or weakness (i.e., each final finding includes the characterization).

In the final Official Action, the Examiner appeared to allege that, although Wilkinson does not explicitly disclose preliminary or final findings having associated strength or weakness characterizations, this feature is inherent in Wilkinson since such characterizations are subjective and that, while the theoretical principles presented to the participants for agreement voting

mostly include strengths, one or more of those principles may be viewed by some as weaknesses. Then, in the Advisory Action, the Examiner further explained that Applicants appeared to be arguing that the aforementioned characterization is more akin to a label placed on a finding than an inherent subjective view of the finding, but that the claimed invention did not distinguish the two interpretations. In response thereto, Applicants amended independent Claims 1 and 7 to further recite that the preliminary and final findings are labeled with associated characterizations. Now, again and more particularly, Applicants respectfully submit that Wilkinson does not teach or suggest preliminary or final findings labeled with strength or weakness characterizations, as recited by amended independent Claims 1 and 7; and as acknowledged by the Examiner during the aforementioned telephone interview.

Applicant therefore respectfully submits that amended independent Claims 1 and 7, and by dependency Claims 2-6 and 8-14, are patentably distinct from Wilkinson. In addition, Applicant continues to maintain that various ones of dependent Claims 2-6, 8-14 and 16-20 recite features further patentably distinct from Wilkinson. For example, dependent Claim 6, and similarly dependent Claim 12, further recites voting for agreement or disagreement with the characterization (strength or weakness) of each preliminary finding (i.e., voting for a valuation), and developing final findings further based upon the aforementioned voting step. As explained above, Wilkinson does not teach or suggest, explicitly or inherently, preliminary or final findings labeled with associated strength or weakness characterizations. Thus, Wilkinson also does not teach or suggest, explicitly or inherently, voting for agreement or disagreement with those characterizations. Moreover, even if one could argue (albeit incorrectly) that Wilkinson inherently discloses that the questionnaire items are inherently characterized as strengths or weaknesses by virtue of the subjective nature of such a characterization, Wilkinson still does not teach or suggest voting for agreement or disagreement with the characterization of findings as strengths or weaknesses, as recited by dependent Claims 6 and 12.

For at least the foregoing reasons, Applicant respectfully submits that Claims 1-14 are patentably distinct from Wilkinson, and that the rejection of those claims as being unpatentable over Wilkinson is overcome.

***B. Claims 15-20 are Patentable over Wilkinson***

Similar to amended independent Claim 1, amended independent Claim 15 recites a method for developing at least one assessment of a process of an organization, where each of the at least one assessments is labeled with an associated characterization selected from a group consisting of a strength and a weakness. Also similar to amended independent Claim 1, amended independent Claim 15 recites acquiring information concerning the organization and the process, and developing a plurality of preliminary findings based upon the information, where each preliminary finding is labeled with an associated characterization. In addition, similar to dependent Claim 6, amended independent Claim 15 recites voting for a valuation associated with each preliminary finding, where the valuation is selected from a group consisting of an agreement with the characterization of the preliminary finding and a disagreement with the characterization of the preliminary finding. Further, amended independent Claim 15 recites developing the assessment(s), where each assessment is labeled with an associated characterization based upon the voting for the valuation associated with each preliminary finding.

In contrast to independent Claim 15, Wilkinson does not teach or suggest assessing a process of an organization according to a method that includes developing preliminary findings based upon information concerning the organization and the process, where each finding is labeled with associated strength or weakness characterizations, as explained above with respect to amended independent Claim 1. Also in contrast to amended independent Claim 15, Wilkinson does not teach or suggest voting for agreement or disagreement with strength or weakness characterizations of the preliminary findings, as explained above with respect to dependent Claim 6. Thus, for at least the same reasons given above with respect to amended independent Claim 1 and dependent Claim 6, Applicant respectfully submits that amended independent Claim 15, and by dependency Claims 16-20, is also patentably distinct from Wilkinson. Accordingly, Applicant respectfully submits that the rejection of Claims 15-20 as being unpatentable over Wilkinson is overcome.

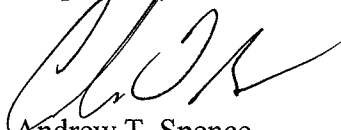
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### **CONCLUSION**

In view of the amendments to the claims and the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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